

REMARKS

The application has been amended and is believed to be in condition for allowance.

Independent claims 1 and 7 have been amended to more specifically recite the present invention. Similarly, dependent claims 6 and 8 have been amended.

The Official Action indicated that the Information Disclosure Statement filed on February 13, 2002 failed to comply with the Rule 1.98 requirement of providing a concise explanation of relevancy, in that each patent did not include an English language translation. Accordingly, the IDS had been indicated as not having been considered.

Reconsideration of this position is requested. Note that included with the IDS was an English language version of the Search Report which did itself indicate the degree of relevance found by the foreign office issuing the Search Report. This is the requirement of MPEP §609(a)(3). Indeed, see that there is an English language International Search Report which under Section C lists the documents considered to be relevant. In Section C there is a first column labeled "Category." In this column there are letters which indicate the degree of relevance. These letters are what is required by the MPEP.

Therefore, in view of the detailed requirements listed in MPEP §609, the Information Disclosure Statement filed on

February 13, 2002 is believed to be fully compliant and consideration of those references is therefore solicited.

Claims 6 and 8 were rejected under §112, second paragraph, as being indefinite.

These claims have been amended so as to remedy the stated basis of rejection. Reconsideration and withdrawal of the indefiniteness rejection are respectfully requested.

The Official Action rejected claims 1, 5 and 6 as anticipated by OKADA et al. 5,374,322 or JP 6-179945.

The remaining claims were rejected as obvious over these references.

The amendments to claims 1 and 7, and to dependent claims 6 and 8, are supported by the description or examples in the originally filed specification. Thus, these amendments are proper and add no new matter.

The upper limit of C content is supported by the examples in Table 1 (Steel Nos. D and E); the amended range of Mn content is described in the third line from the bottom on page 7 of the specification; the upper limit of Cr content is supported by the example in Table 1 (Steel No. F); and the upper limit of tension strength is supported by the example in Table 2 (Steel tube No. 19).

The claims of the present invention are distinctly discriminated from the cited references by these amendments.

The steel tube disclosed in the cited reference JP 6-179945 has too high value of tensile strength, and does not meet the condition of "tensile strength of no less than 1000 MPa but no more than 1400 MPa", which is one of the essential features of the present invention.

The steel material disclosed in OKADA et al. contains 1.0 to 3.5% of Cr. In contrast, the steel material of the tube of the present invention contains 0 to 0.5% of Cr, which is out of the range of Cr content disclosed in the cited reference. The chemical compositions of the examples in Table 1 of the cited reference, of course, do not meet any claims of the present invention.

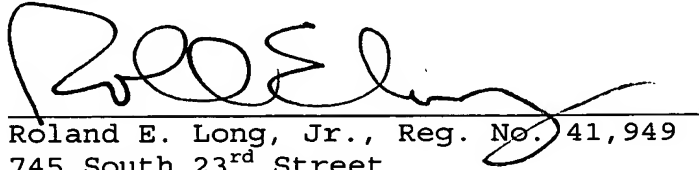
Having amended the claims so as to patentably recite the present invention, applicants believe that the case is in condition for allowance. An early indication of the same is respectfully requested.

Application No. 10/049,510  
Amdt. dated July 6, 2004  
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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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